

As grounds for this Motion, Monitronics states that Plaintiff's lone claim for a violation of the Telephone Consumer Protection Act ("TCPA") arises from and relates to the Alarm Monitoring Agreement ("AMA")² between Plaintiff and Monitronics. As a result, the AMA's one-year contractual limitations period bars Plaintiff's claim, while the AMA's arbitration clause requires arbitration of any dispute between the parties. Thus, even assuming *arguendo* that the Complaint is not time-barred, Monitronics respectfully submits that it is entitled to an Order staying this litigation and compelling the parties to arbitrate, consistent with the AMA's arbitration clause, the broad and emphatic federal policy favoring arbitration of disputes, and the Federal Arbitration Act, 9 U.S.C. §§ 1-16 ("FAA").

For these reasons, and as more fully explained in the memorandum of law filed contemporaneously herewith, Monitronics respectfully requests that this Court grant its Motion to Dismiss or to Stay Proceedings and Compel Arbitration.

Respectfully submitted, this 18th day of June 2015.

HOLLAND & KNIGHT LLP

/s/ Jordan T. Stringer

J. Allen Maines

Georgia Bar No. 466575

² The AMA is attached to Monitronics' accompanying and contemporaneously filed Memorandum of Law as Exhibit 1 to the Affidavit of David Verret (the Affidavit of David Verret is attached thereto as Exhibit A).

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LR 7.1(D) FONT COMPLIANCE CERTIFICATION

The undersigned counsel for Defendant Monitronics International, Inc. hereby certifies that the within and foregoing document was prepared using Times New Roman 14-point font in accordance with Local Rule 5.1 of the United States District Court for the Northern District of Georgia.

This 18th day of June 2015.

HOLLAND & KNIGHT LLP

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*Attorney for Defendant Monitronics
International, Inc.*

CERTIFICATE OF SERVICE

I hereby certify that on this day I electronically filed with the Clerk of Court this **DEFENDANT'S MOTION TO DISMISS OR TO STAY PROCEEDINGS AND COMPEL ARBITRATION** using the CM/ECF system, which will forward a copy to the following parties of record as follows:

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This 18th day of June 2015.

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